IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

MONDAY, THE 18TH JUNE 2007 / 28TH JYAISHTA 1929

WP(C).No. 11882 of 2007(M)

LAR.103/1999 of SUB COURT, MANJERI
.....

PETITIONER:

KUNNATHIL SAIDALAVI MUSALIYAR,
S/O.CHEKKUTTY MUSALIYAR, CHALAYI HOUSE,
P.O.KUMMINIPARAMBA, MALAPPURAM DIST.

BY ADV. SRI.JACOB ABRAHAM
SMT.KOCHUMOL KODUVATH

RESPONDENTS:
----

1. DISTRICT COLLECTOR,
MALAPPURAM, MALAPPURAM AMSOM AND DESOM.

2. P.A.ABOOBACKERKUTTY,
SON OF KUNHAPPU HAJI, KARIPPUR AMSOM AND DESOM
OF TIRURANGADI TALUK.

3. THE SECRETARY,
PALLIKKAL GRAMA PANCHAYATH,
PALLIKKAL AMSOM AND DESOM OF TIRURANGADI TALUK.

4. ABDURAHIMAN, S/O.CHEKKUTTY MUSALIYAR,
CHALAYI HOUSE, P.O.KUMMINIPARAMBA,
MALAPPURAM DIST.

R3 BY ADV. SRI.M.MUHAMMED SHAFI
SRI.K.ABDUL JAWAD
R2 BY SRI.DEVIDAS.U.K

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 18/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

EXT. P1 **TRUE PHOTOSTAT COPY OF THE JUDGMENT DTD.19.12.06 OF THIS COURT MADE IN WPC 3905/06.**

EXT.P2 **TRUE PHOTOSTAT COPY OF THE AFFIDAVIT DTD.14.3.07 FILED BY THE PETITIONER IN SUPPORT OF I.A.600/07 IN LAR 103/99 ON THE FILE OF THE SUB COURT, MANJERI.**

EXT.P3 **TRUE PHOTOSTAT COPY OF THE ORDER DTD.22.3.07 OF THE SUB COURT, MANJERI MADE IN I.A.600/07 IN LAR.103 OF 99.**

[True copy]

P.A. to Judge.

M.N. KRISHNAN, J.

= = = = = = = = = = = = = = =

W.P.C. NO. 11882 OF 2007

= = = = = = = = = = = = = = =

Dated this the 18th day of June, 2007.

J U D G M E N T

Learned counsel for the writ petitioner heard. It is submitted before me that the prayer in Ext.P2 petition was to refer the matter to the Land Tribunal under Section 125 of the Land Reforms Act. But, a prayer is also incorporated therefore to stay the matter u/s 10 CPC. I had perused the order of the learned Subordinate Judge. The learned Subordinate Judge's order is absolutely silent about the main prayer in the petition. He has not considered it at all. He is expected to pass an order on Ext.P2 application. But, unfortunately, it was not done. Therefore, the order under challenge is liable to be set aside and it is set aside. The learned Subordinate Judge, Manjeri is directed to go through the application, Ext.P2 and after hearing both sides pass appropriate orders.

The writ petition is disposed of accordingly.

M.N. KRISHNAN, JUDGE.

ul/-